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Attorney for Defendant
ALEJANDRO BARAJAS

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALEJANDRO BARAJAS,

Defendant.

No. CR 07-00775 DLJ

**STIPULATION TO EXCLUDE
TIME UNDER THE SPEEDY TRIAL
ACT; ORDER**

ALEJANDRO BARAJAS, by and through his counsel of record DEBORAH G. LEVINE and the plaintiff, the United States of America and through its counsel, GARTH HIRE, Assistant United States Attorney in the Northern District of California, both hereby stipulate as follows:

1. By this stipulation, the parties jointly move to continue the hearing set for April 4, 2008 to June 6, 2008 for the following reasons:
 - a. Defense counsel and the United States require additional time to evaluate the evidence in the case and determine if resolution by plea agreement is possible.
 - b. Counsel for defendant needs additional time to further investigate the evidence in this case in order to effectively represent the defendant.
 - c. The government and the defense need additional time to review the pre-plea presentence report and further investigate and analyze the discovery to determine

whether the defendant is safety valve eligible.

2. For the above-stated reasons, the ends of justice are served by continuing the case as requested and outweigh the interest of the public and the defendant to a trial within the original date prescribed by the Speedy Trial Act. Thus, for the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of April 4, 2008 though and including June 6, 2008 is deemed excludable pursuant to 18 U.S.C. § 3161 (h) (8) (A), (B)(iv) because it results from a continuance granted by the Court at the parties' request on the basis of the Judge's finding that the ends of justice are served by taking such action and outweigh the best interests of the public and the defendant in a speedy trail.

IT IS SO STIPULATED.

DATED: April 14, 2008

Respectfully Submitted,

/s/
DEBORAH G. LEVINE
Attorney for Defendant
ALEXANDRO BARAJAS

DATED: April 15, 2008

/s/
GARTH HIRE
Assistant United States Attorney
Attorney for United States of America

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION
4

5 UNITED STATES OF AMERICA,)

No. CR 07-00775 DLJ

6 Plaintiff,)

7 v.)

ORDER

8 ALEJANDRO BARAJAS)

9 Defendant.)
10

11 UPON STIPULATION OF THE PARTIES, AND FOR GOOD CAUSE SHOWN, this
12 matter is continued until June 6, 2008 at 9 a.m. for status conference . This Court finds that the
13 period of time from April 4, 2008 through and including June 6, 2008 is excludable for purposes
14 of the Speedy Trial Act for the reasons set forth in the stipulation of the parties, and this Court
15 adopts those reasons as its findings.

16 IT IS SO ORDERED.
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20 Dated: April 16, 2008

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22 HONORABLE D. LOWELL JENSEN
23 United States District Court Judge
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